

Appl. No. 10/668,147
Reply to Office Action of April 6, 2005

REMARKS

In the April 6, 2005 Office Action, all of the pending claims (claims 1-17) were rejected. This Response amends claims 1 and 14, and cancels claims 5, 8, 11, 15, and 17 without prejudice or disclaimer. After entry of the foregoing amendments, claims 1-4, 6, 7, 9, 10, 12-14, and 16 (12 total claims; 3 independent claims; no additional claim fees due) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

The Specification

Applicant has amended the specification as suggested by the Examiner to indicate trademark usage in capital letters where appropriate.

§112 Rejection

Claims 5, 8, 11, 15, and 17 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicant has canceled these claims in an effort to expedite prosecution of the application, and without prejudice or disclaimer. Accordingly, the §112 rejection is now moot.

§102 Rejection

Claims 1-4, 9, 12, 13, 14, and 16 stand rejected under 35 U.S.C. §102(b/e) as being anticipated by Obeshaw, U.S. Pat. App. Pub. No. 2002/0006523 (hereinafter "Obeshaw"). Applicant respectfully traverses this rejection.

Obeshaw discloses a structural support member that contains a vibration damping mechanism (FIG. 1 and FIG. 12 of Obeshaw are representative of the disclosed structural support member). Notably, the Obeshaw structure is "non-flat" and it has a "closed surface configuration" where at least one portion of the surface is substantially closed or substantially continuous [Para. 0010]. This configuration is required to provide the necessary structural support. As shown in FIG. 1 and FIG. 12, the Obeshaw structural member includes an inner section 4 and an outer section 8, where the inner section 4 is physically and literally located inside the outer section 8. In addition, an intermediate section 6 is sandwiched between the inner section 4 and the outer section 8; this intermediate section 6 "supports, stabilizes, couples and attaches inner portion 4 with respect to outer portion 8" [Para. 0029]. Vibration damping layers 12 (see FIG. 12) may also be incorporated into the structural member.

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The invention recited in independent claims 1 and 14 is neither taught nor suggested by Obeshaw. In particular, claims 1 and 14 both call for a first outer face sheet and a second outer face sheet, as described in Applicant's specification at Para. 0003. Indeed, the term "face sheet" refers to the outer "skins" of the fairing panel in Applicant's example embodiment. Applicant's use of the relative terms "outer" and "inner" in the specification (see, for example, Para. 0010) refers to the outside exposed surface of the fairing panel and the opposing surface of the fairing panel, which is not exposed to the environment. Applicant's two opposing face sheets do not form a closed surface configuration having a continuous or closed surface. In contrast, the Obeshaw structural member includes a truly inner or interior section 4 that is contained within and surrounded by the truly outer or exterior section 8. Obeshaw does not teach or suggest a panel having two opposing outer face sheets as claimed. In fact, Obeshaw teaches away from such a configuration.

The invention recited in independent claim 9 is neither taught nor suggested by Obeshaw. Claim 9 calls for bonding material (that bonds the core material to the face sheets) that allows the first face sheet to move relative to the second face sheet. In contrast, the intermediate section 6 of the Obeshaw structural member "supports, stabilizes, couples and attaches the inner portion 4 to the outer portion 8 [Obeshaw at Para. 0029]. Obeshaw does not disclose or suggest the use of a bonding material that enables relative movement of two opposing face sheets as recited in claim 9.

For at least the above reasons, independent claims 1, 9, and 14 (and all associated dependent claims) are not anticipated by Obeshaw and Applicant requests the withdrawal of the §102 rejection of claims 1-4, 9, 12, 13, 14, and 16.

§103 Rejection

Claims 6, 7, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Obeshaw. Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all of the recited claim limitations. Of course, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must

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both be found in the prior art, not in Applicant's disclosure. For the reasons discussed in the previous section, Applicant respectfully submits that the Examiner has not met all of the above criteria. In particular, Obeshaw does not teach or suggest all of the recited claim limitations.

Furthermore, one skilled in the art would not be motivated to modify Obeshaw to create a structure as recited in Applicant's claims. As discussed above, the Obeshaw structural member is specifically designed as a support member and it must utilize a non-flat closed surface configuration. Consequently, Obeshaw teaches away from a structure that includes two opposing outer face sheets as recited in Applicant's claims.

For at least the above reasons, claims 6, 7, and 10 are not unpatentable over Obeshaw, and Applicant requests the withdrawal of the §103 rejection of those claims.

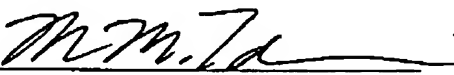
In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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Dated: July 5, 2005

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